

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MARK WARREN PEARY,

Plaintiff,

v.

DC COMICS, INC.; DC COMICS; DC  
ENTERTAINMENT, INC.; WARNER BROS.  
DISCOVERY, INC.; and DOES 1-10,

Defendants.

Case No. 1:25-cv-00910-JMF

**DECLARATION OF MATT KLINE IN  
SUPPORT OF DEFENDANTS'  
OPPOSITION TO PLAINTIFF'S  
MOTION FOR A PRELIMINARY  
INJUNCTION**

I, Matt Kline, declare and state the following:

1. I am a partner of O'Melveny & Myers LLP, counsel for Defendants DC Comics, DC Comics Inc., DC Entertainment, and Warner Bros. Discovery, Inc. in this action. I make this declaration in support of Defendants' Opposition to Plaintiff's Motion for a Preliminary Injunction. I have personal knowledge of the facts set forth below and, if called to testify as a witness, could and would testify completely thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of a transcript of the oral argument held on November 5, 2012 in *Larson v. Warner Bros. Entm't, Inc.*, Case No. 11-56863 (9th Cir. 2012).

3. Attached hereto as **Exhibit B** is a true and correct copy of a facsimile from Laura Siegel Larson and Joanne Siegel to Marc Toberoff, dated November 6, 2002, attaching a letter from Kevin Marks to Joanne Siegel, Laura Siegel Larson and Don Bulson, dated August 9, 2002 ("Marks Memo"), which was included in Volume I of Appellee DC Comics' Supplemental Excerpts of Record in *Pac. Pictures Corp. v. DC Comics*, Case No. 11-56934 (9th Cir. 2012) ("*Superman II*").

4. Attached hereto as **Exhibit C** is a true and correct copy of Plaintiff DC Comics' Notice of Motion and Motion for Partial Summary Judgment on its First and Third Claims for

Relief, filed on July 16, 2012 in *DC Comics v. Pac. Pictures Corp.*, Case No. CV 10–3633 (C.D. Cal. 2012) (“*Superman I*”).

5. Attached hereto as **Exhibit D** is a true and correct copy of a *Deadline* article titled “‘Man Of Steel’ Soars To \$200.3M Worldwide In First 4 Days As #1: Record June Domestic Opening Of \$128.7M, International \$71.6M,” dated June 17, 2013, available at <https://deadline.com/2013/06/man-of-steel-beginning-worldwide-release-record-opening-day-in-the-philippines-519940/>.

6. Attached hereto as **Exhibit E** is a true and correct copy of an *Irish Times* article titled “Super Powers Equal Super Box-Office,” dated June 21, 2013, available at <https://www.irishtimes.com/culture/film/super-powers-equal-super-box-office-1.1436812>.

7. Attached hereto as **Exhibit F** is a true and correct copy of a *Deadline* article titled “‘Batman V Superman’ Lassoed \$254M Offshore for Biggest Superhero & March International Opening Ever – Final” *Deadline*, dated March 28, 2016, available at <https://deadline.com/2016/03/batman-v-superman-dawn-of-justice-opening-box-office-results-international-1201725677/>.

8. Attached hereto as **Exhibit G** is a true and correct copy of a *Los Angeles Times* article titled “Batman v. Superman: Who Wins at the Box Office?,” dated March 28, 2016, available at <https://www.latimes.com/entertainment/envelope/cotown/la-et-ct-batman-superman-movies-box-office-20160328-snap-htmlstory.html>.

9. Attached hereto as **Exhibit H** is a true and correct copy of a *Variety* article titled “Box Office: ‘Justice League’ Scores \$185 Million International Opening, Led by China,” dated Nov. 19, 2017, available at <https://variety.com/2017/film/news/box-office-justice-league-international-opening-china-1202618624/>.

10. Attached hereto as **Exhibit I** is a true and correct copy a *Gizmodo* article titled “How James Gunn Sees Superman Fitting Into Our Politically Charged World,” dated December 25, 2024, available at <https://gizmodo.com/how-james-gunn-sees-superman-fitting-into-our-politically-charged-world-2000540656>.

11. Attached hereto as **Exhibit J** is a true and correct copy of Plaintiffs Joanne Siegel and Laura Siegel Larson's Motion for Partial Summary Judgment, filed on February 15, 2006 in *Siegel v. Warner Bros. Entertainment Inc.*, Case No. CV 04-08776 (C.D. Cal. 2006).

12. Attached hereto as **Exhibit K** is a true and correct copy of Defendants' Notice of Motion and Motion for Partial Summary Judgment on First, Second and Third Claims for Relief, filed on August 20, 2012 in *Superman I*.

13. After the Ninth Circuit, in *Superman II*, affirmed the district court's summary judgment ruling in *Superman I*, Plaintiff Mark Warren Peary ("Peary") filed a petition for rehearing and rehearing en banc before the Ninth Circuit and, subsequently, a petition for writ of certiorari in the U.S. Supreme Court. Both petitions were denied. Attached hereto as **Exhibit L** is a true and correct copy of the Final Judgment on Remaining Claims entered on November 26, 2014 in *Superman I*, which describes this procedural history.

14. Attached hereto as **Exhibit M** is a true and correct copy of Defendants' Opposition to DC Comics' Motion for Partial Summary Judgment on Its First and Third Claims for Relief, filed on July 30, 2012 in *Superman I*.

15. Attached hereto as **Exhibit N** is a true and correct copy of Plaintiff DC Comics' Reply in Support of Motion for Partial Summary Judgment on Its First and Third Claims for Relief, filed on August 6, 2012 in *Superman I*.

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Executed on April 7, 2025.

BY: \_\_\_\_\_



Matt Kline